

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DREXELL A. GREENE,

Petitioner,

v.

ROBIN KNAB, WARDEN,

CASE NO. 2:09-CV-258

JUDGE JAMES L. GRAHAM

MAGISTRATE E.A. PRESTON DEAVERS

Respondent.

OPINION AND ORDER

On July 30, 2010, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed and denying Petitioner's request for discovery, an evidentiary hearing, and the appointment of counsel. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*.

Petitioner objects to the Magistrate Judge's recommendation of dismissal of his claims on the merits. He again argues at length that the Ohio Parole Board unconstitutionally denied him release on parole by retroactively applying Ohio Revised Code § 5149.101 and parole guidelines that were not in effect at the time he was sentenced. He complains that he, thereby, is now serving a longer period of incarceration than other similarly-situated prisoners who were sentenced prior to the enactment of this law. Petitioner contends that the Magistrate Judge's recommendation of dismissal of his claims is contrary to and an unreasonable application of federal law and based upon clearly erroneous findings of fact. *See Objections*.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. To the extent he reargues the same issues, for the reasons set forth by the Magistrate Judge, Petitioner's contentions are not persuasive. Petitioner has no right to early release from incarceration prior to

expiration of his entire sentence. *Greenholtz v. Inmates of Neb. Penal & Corr'al Complex*, 442 U.S. 1, 7 (1979). Here, Petitioner's term is life. Further, as discussed in the Magistrate Judge's *Report and Recommendation*, federal courts have consistently rejected the arguments petitioner raises in these proceedings. *See Report and Recommendation*, at 17-18.

Therefore, Petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

It is so ORDERED.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: September 2, 2010